

REMARKS

This responds to the Office Action dated April 4, 2008.

Claims 1-28 remain pending in this application.

§101 Rejection of the Claims

Claims 15-28 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Page 12, lines 24-28 of the specification have been amended to remove the reference to a propagated signal. It is thus submitted that this rejection has been overcome.

§102 Rejection of the Claims

Claims 1-28 were rejected under 35 U.S.C. § 102(b) for anticipation by Matheson (U.S. Patent No. 6,944,514). Applicant respectfully submits that the Office Action did not make out a *prima facie* case of anticipation for the reasons articulated below.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991).

Claim 1 includes the following limitations:

associating a first validity for the change with a first organizational structure, the first organizational structure having a first organizational view of the product structure;

associating a second validity for the change with a second organizational structure, the second organizational structure having a second organizational view of the product structure; and

automatically implementing the change according to the first validity for the first organizational view, and according to the second validity for the second organizational view.

It is submitted that the above limitations are neither described nor suggested by Matheson. Matheson is directed to merely capturing, storing, and accessing information related to a product in a tool neutral form.

In the lines cited in the Office Action (Office Action page 3, section 5, paragraph 2), Matheson describes “a Product Requirement object [that] encapsulates [requirements] that the product must or should or could fulfill ... from many different sources (Matheson column 5, lines 26-30)” and “a ProductRequirementsDecision interface [that] allows the tracking of questions, answers, and resulting decisions related to the product requirements (Matheson column 7, lines 7-10).” Matheson thus describes requirements for product ideas, but does not associate validities for changes to product ideas to determine when or if those changes meet the stated requirements. Matheson’s product requirement object and product requirements decision interface also do not describe when or if a change will be valid for an organizational structure. Therefore, Matheson does not disclose “associating a first validity for the change with a first organizational structure” or “associating a second validity for the change with a second organizational structure” as recited in claim 1. Because Matheson fails to disclose or suggest all elements of claim 1, claim 1 and its dependent claims 2-14 are patentable and should be allowed.

Claims 15-28 are computer program product claims corresponding to the method claims, and therefore are patentable and should be allowed for at least the reasons articulated with respect to claims 1-14.

Furthermore, dependent claim 3 includes the limitation of a validity depending on a date, whereas Matheson only describes a “Creation Time or Last Modified Date” (Matheson column 8, line 55) for the Product Idea. It is submitted that a last modified date for an idea does not describe a date when that idea would be implemented. Thus, claim 3 is patentable for an additional reason of Matheson failing to disclose “wherein at least one of the first and second validities depends on a date,” as recited in claim 3

CONCLUSION


Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 07/18/08

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24 day of July 2008.

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